REMARKS

This amendment is submitted under 37 C.F.R. § 1.111 responsive to the Office

Action[1] mailed on August 15, 2006. Claims 1-63 were presented for examination in an

RCE filing and were rejected. Claims 1, 19-21, 39-41 and 59-63 are the independent

claims and all are currently amended. No new matter is added. No claims are added or

canceled. Claims 1-63 are pending.

Applicants acknowledge with appreciation the finding by the Examiner of

allowable subject matter and agree with the Examiner that such subject matter is, indeed,

allowable over the cited references. However, Applicants believe, in view of the cited

references, that Applicants are entitled to additional allowable subject matter. Applicants

respectfully offer their position on this issue below.

Claims 1, 2, 19, 20-22, 39-42, and 59-63 are rejected under 35 U.S.C. §102(e) as

being anticipated by newly-cited Johannsson et al. et al. (U.S. 2002/0044549, hereinafter

"Johannsson"). Claims 3, 4, 23, 24, 43, and 44 are rejected under 35 U.S.C. §103(a) as

being un-patentable over Johannsson and further in view of Quoc et al. (U.S. Patent No.

6,092,214, hereinafter "Quoc"). Claims 5-7, 25-27 and 45-47 are rejected under 35

U.S.C. §103(a) as being un-patentable over Johannsson in view of Quoc and further in

view of Lind (U.S. 2002/0080807, hereinafter "Lind"). Claims 8, 9, 16, 17, 28, 29, 36,

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[1] The Office Action may contain a number of statements characterizing the cited references and/or the claims which Applicants may not expressly identify herein. Regardless of whether or not any such statement is identified herein, Applicants do not automatically subscribe to, or acquiesce in, any such statement. Further, silence with regard to rejection of a dependent claim, when such claim depends, directly or indirectly, from an independent claim which Applicants deem allowable for reasons provided herein, is not acquiescence to such rejection of that dependent claim, but is recognition by Applicants that such previously lodged rejection is moot based on remarks and/or amendments presented herein relative to that independent claim.

37, 48, 49, 56 and 57 are rejected under 35 U.S.C. §103(a) as being un-patentable over

Johannsson in view of Quoc in view of Lind and further in view of Michelson et al. (U.S.

Patent No. 6,665,730, hereinafter "Michelson"). Claims 10-15, 30-35 and 50-55 are

rejected under 35 U.S.C. §103(a) as being un-patentable over Johannsson in view of

Quoc in view of Lind in view of Michelson and further in view of Bodnar et al. (U.S.

Patent No. 6,295,541, hereinafter "Bodnar"). And finally, claims 18, 38 and 58 are

rejected under 35 U.S.C. §103(a) as being un-patentable over Johannsson and further in

view of Logan et al. (U.S. Patent No. 5,968,121, hereinafter "Logan").

Applicants respectfully traverse these rejections because the applied prior art

taken individually or in combination does not disclose or suggest all of the claim

elements in each of Applicants' claims. Johannsson does not disclose <u>conflict</u> between

two master nodes in the first place, wherefore "means", "method", "computer program

product" or "apparatus' for selecting between two masters to resolve such conflict does

not, and cannot, exist in Johannsson.

Johannsson Does Not Disclose Conflict Between Two Master Nodes

Consider, for example, independent claim 1. Claim 1 is rejected under 35 U.S.C.

§102(e) as being anticipated by Johannsson. Claim 1 recites:

> In a computer network having a plurality of nodes each of which has a
> DDB and one of which should be master node used to maintain contents of said
> DDB in each of said plurality of nodes consistent throughout said plurality in a
> manner to avoid a single point of failure, said plurality of nodes including a first
> master node and a second master node, a system for resolving conflict in said
> network between said first master node and said second master node comprising:
>   means for establishing a standard for comparison between said first
> master node and said second master node;
>   means for comparing said first master node against said second master
> node in accordance with said standard to obtain comparison results; and,
>   <u>means for selecting said master node from the group of nodes consisting
> of said first master node and said second master node based on said</u>

comparison results, to resolve said conflict between said first master node and
said second master node. (Claim 1, emphasis added.)

It is clear that claim 1 calls for, *inter alia*, a system for resolving conflict between two
master nodes and that Applicants' selecting means selects the master node from a group
of nodes consisting of a first master node and a second master node, thereby resolving the
conflict. Johannsson does not show Applicants' selecting means, as Applicants explain
in detail below.

First, consider the disclosure of Johannsson which is referenced below by way of
certain of its paragraph numbers. Johannsson relates to "Bluetooth" which is an ad-hoc
network technology and an open specification for wireless communication ([0004]).
Bluetooth operates with "piconets" and each piconet is a group of nodes (e.g., telephones)
which can have up to eight nodes maximum per piconet. One of the nodes in a piconet is
the master node for that piconet ([0005]) and the remaining nodes in that piconet are
slave nodes to that master node. Slave nodes can communicate directly only with a
master node ([0006]).

A desirable activity in Bluetooth is to form a larger network by merging-together
a plurality of piconets into what is called a "scatternet." At least one node is common to
two merged piconets in a scatternet, such as node 304 in the scatternet of Fig. 3 in
Johannsson, node 304 being common to piconent 1 and piconet 2. The scatternet of Fig.
3 shows that each individual piconet has its own master node ([0007]). The slave node to
master node direct communication constraint holds for scatternets, as well as for piconets
noted above. For example, referring to Johannsson, Fig. 3, it shows a scatternet. If node
301 wishes to communicate with node 310, an example given in [0007], then the path of

communication is: 301(slave) to 303(master) to 304(slave) to 305(master) to 308(slave) to 309(master) to destination node 310(slave).

Each Bluetooth unit has a globally unique 48 bit address called the Bluetooth Device Address (BD_ADDR) ([0009]). To form a scatternet, there must be signaling performed between Bluetooth nodes and, eventually, a pair of communicating nodes exchange their respective BD_ADDR global addresses (Johannsson, Fig. 5 and [0014] - [0018]). A desirable scatternet, if not the most desirable scatternet, is called a Maximum Connectivity Scatternet (MCS) which maximizes the number of nodes in each piconet (eight maximum) in order to spread and maintain information across a scatternet with as few inter-piconet connections as possible ([0061]).

From this background review, it is clear that each piconet has a master and that only one master exists in a piconet. Thus, it is clear that there is no master-master conflict within a piconet. Although there are multiple masters in a scatternet, by virtue of the fact that a scatternet is nothing more that multiple piconets merged together where each piconet brings along its master node, a reading of Johannsson shows that there is no conflict between master nodes within a scatternet, as explained below. Therefore, Johannsson cannot read on Applicants' "means for selecting said master node from the group of nodes consisting of said first master node and said second master node based on said comparison results, to resolve said conflict between said first master node and said second master node" (emphasis added) as recited in claim 1.

The Examiner reads paragraphs [0094] and [0018] on Applicants' recited selecting means (Office Action, pg. 3). Applicants respectfully disagree that these

paragraphs of Johannsson disclose or suggest Applicants' recited selecting means for the following reasons.

In paragraph [0094], the term "master node" appears to refer to a master node in the scatternet in which, or for which, an MCS is being established. Johannsson may not be clear as to how, or why, a particular master node manifests the responsibility associated with establishing an MCS. Suffice it to say that it is one of the master nodes in a scatternet, and is referred to in paragraphs [0088] - [0094] and beyond in Johannsson's description of Fig. 11 as the "master node." Any other master node in the scatternet which is detected by the "master node" while in the process of building the MCS is called a "detected master node." A "detected master node" which is "paged" by the "master node" is referred to as a "paged master node" and is the detected master node with the highest number of connected nodes ([0093]). Paragraph [0094] merely discusses a paging by the "master node" of detected master nodes. The process ends when the "master node' determines that there are no remaining detected master nodes which have not already been paged (step 1144, Fig. 11). All of this discussion of different categories of master nodes in Johannsson may give the impression that, somehow, there is relevance to Applicants' claimed master-master conflict resolution. However, there is no such relevance.

Indeed, all of this activity in paragraph [0094] does not discuss anything about selecting a master node from a group of nodes consisting of a first master node and a second master node and thereby resolving a conflict between the master nodes. There is no such conflict being discussed and no such selection being discussed. For example, this paragraph says, *interalia*:

"If all slaves of the paged master node are reachable ('Yes' path out of decision step 1153) then the master node performs a piconet merge with the piconet of the paged master node (step 1157)." (Johannsson, paragraph [0094]

At first blush this may appear relevant, but upon careful parsing, it proves to be irrelevant. It says if all slave nodes of a paged master node (slave nodes of a second piconet whose master is the "paged master" being paged by a master node of a first piconet) are reachable, then the <u>master node</u> of the first piconet performs a <u>piconet</u> merge with the <u>piconet</u> of the paged master node. <u>This is a merger between the two piconets, not between the two piconet's masters</u>. For example, referring to Fig. 3, this merger provides the overlapping of piconet 1 and piconet 2 where node 304 then becomes common to both piconets. Again, this has nothing to do with conflicts between two masters and resolution of same. After the merger, both masters of piconets 1 and 2 remain the masters of piconets 1 and 2, respectively, remain operational and are not in conflict.

The other section which the Examiner reads on claim 1 is paragraph [0018] which discusses activity performed by a "paging" node or unit in connection with signaling between two Bluetooth nodes, as shown in Johannsson, Fig. 5. This paragraph merely says that if a paging Bluetooth node already was the master of a piconet (e.g., if the node BT1 which sends the PAGE signal in Fig. 5 was the master of its piconet), then the paged Bluetooth node (i.e., BT2 in Fig. 5) has joined the piconet as a new slave node. It further merely says that the Bluetooth node initiating an INQUIRYprocedure (e.g., BT1 in Fig. 5) will be the master of any piconet that is formed as a result of a subsequent PAGE procedure. This is of no moment with respect to Applicants' claim 1 because this does

not describe two conflicting master nodes - there are not two master nodes in Johannsson

competing to be the master.

Finally it says:

> "However, if considered necessary, the roles of master and slave can be switched using a master-slave-switch mechanism in Bluetooth. This, however, is a complex and extensive procedure potentially resulting in a redefinition of the entire piconet and involving all other slave units in the piconet." (Johannsson, paragraph [0018])

This last section, quoted above, again might sound relevant but, upon analysis, it is

irrelevant. First, it discusses not a master to master switching, but a master to slave

switching, so this has nothing to do with master-to-master issues. Secondly, whatever

switching is going on is happening only "if considered necessary" which is vague. It

doesn't say that switching is occurring because of a conflict, much less a master to master

conflict. Thus, this section is totally irrelevant to Applicants' selecting means of claim 1.

As shown above, Applicants have scrutinized the paragraphs [0094] and [0018] in

Johannsson cited by the Examiner against Applicants' claim element: "means for

selecting said master node from the group of nodes consisting of said first master node

and said second master node based on said comparison results, to resolve said conflict

between said first master node and said second master node" as recited in claim 1.

Applicants cannot find any language which discloses or suggests this claim element.

Even if paragraph [0092] *arguendo* establishes a standard for comparison between

two master nodes (the relative number of nodes in each master's piconet?), and even if

paragraph [0093] *arguendo* compares the two master nodes (which master node has

fewer nodes in its piconet?), there is still no master to master conflict and therefore no

selection means to select a master to resolve that non-existent conflict. If the Examiner

can find specific language in these paragraphs, or in other paragraphs, in Johannsson that can read on Applicants' recited selecting means, Applicants respectfully request that such language be specifically pointed out to Applicants.

MPEP § 2131 states that to anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...claim." *See Richardson v. Suzuki Motor Co.*, 868 F. 2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). In this instance, at least one of the claim elements of claim 1 is not taught by the reference. For this reason, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. § 102(e) be withdrawn.

The other references (which were not cited against claim 1 anyway) do not cure this deficiency of principal reference Johannsson. Quoc was cited to show temporal subject matter and does not cure this deficiency in Johannsson. Lind was cited to show selection of a master node based on IP addresses and does not cure this deficiency in Johannsson. Michelson was cited to show subject matter relating to recording local time of selection of the first node as master node and does cure this deficiency in Johannsson. Bodnar was cited to show the noting of local time of receipt of communication of the first selection duration and does not cure this deficiency in Johannsson. And, Logan was cited to show a system where the network is globally-dispersed in different time zones and does not cure this deficiency in Johannsson. Thus, any combination of these references with Johannsson does not cure the deficiency in Johannsson wherefore any potential

rejection of claim 1 under 35 U.S.C. § 103(a) based on any one or more of these references is without merit.[2]

Therefore, for the reasons given above, Applicants submit that claim 1 is allowable and should be passed to issue.

Each one of the other independent claims, 19-21, 39-41 and 59-63 contains a recitation of an equivalent to Applicants' selecting means of claim 1. Claims 19-21, 39-41, and 59-63 are all rejected under 35 U.S.C. § 102(e) as being anticipated by Johannsson. Each of these claims is likewise allowable for the same or similar reasons given above with respect to claim 1.

All dependent claims, namely claims 2-18 dependent directly or indirectly from claim 1, claims 22-38 dependent directly or indirectly from claim 21, and claims 42-58 dependent directly or indirectly from claim 41 are allowable, at least for reasons based on their respective dependencies from allowable base claims. In addition, certain dependent claims have already been found allowable per the previous office action. The dependent claims are also allowable for their individual recitations.

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[2] Applicants do not acquiesce in the various 35 U.S.C. § 103(a) rejections of the dependent claims in the Office Action and do not necessarily agree that the references are properly combinable. Applicants do not necessarily agree that sufficient motivation exists in each reference to suggest its combination with one or more of the other references or that such combination could reasonably be expected to be successful even if such motivation were discernable. However, these arguments are presently moot in view of the major deficiency of the principal reference.

CONCLUSION

Reconsideration and allowance of claims 1-63 are respectfully requested in view of the above amendments and remarks.

To the extent that an extension of time may be needed in order to enter this amendment in this case, please consider this response as including a petition under 37 C.F.R. § 1.136 for such extension of time. Please charge any fee for such petition or any other fee or cost that may be incurred by way of this amendment to Patent Office deposit account number **05-0889**. If the Examiner feels that a telephone conversation may serve to advance the prosecution of this application, she is invited to telephone Applicants' undersigned representative at the telephone number provided below.

Respectfully submitted,

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